REMARKS

Claims 1 – 27 are pending in the application. Claims 1 – 27 have been rejected. No new claims have been added.

Claims 1 – 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mousseau, U.S. Patent No. 6,779,019 (Mousseau) in view of Dobson, U.S. Patent No. 6,891,887 (Dobson). This rejection is respectfully traversed. Applicant notes that while the finality of the last rejection was withdrawn, the prosecution of this application was reopened in response to a Pre-Appeal Request for Reconsideration and the Examiner set forth that Applicant's arguments are considered moot in view of the new grounds for rejection, the rejection as set forth in the previous Final office action was essentially repeated.

The present invention generally relates to an architecture which includes a PC system and a PDA system which independently have access to a communication device, thereby allowing either system to communicate and receive messages regardless of the active state of the other system. Figure 4 shows an example of one such system in which the southbridge controller 110 of the PC and the PDA companion 205 of the PDA are coupled to a communication device 400.

More specifically, the present invention, as set forth by independent claim 1, relates to a mobile computing system. The system includes a common communication device, a personal computing system (PC) coupled to the common communication device, a PDA coupled to the common communication device. The PC includes a storage device capable of receiving and storing messages from the common communication device and a personal digital assistant system (PDA). The PDA includes a storage device capable of receiving and storing messages from the common communication device. The storage device of the PC synchronizes messages received from the common communication device with the storage device of the PDA. The PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common-communication device at a given time.

The present invention, as set forth by independent claim 8, relates to a mobile computing system. The system includes a common communication device, a personal computing system (PC) coupled to the common communication device, the PC capable of receiving messages

through the common communication device and a personal digital assistant system (PDA) coupled to the common communication device. The PDA is capable of receiving messages through the common communication device and synchronizing the messages received through the common communications device with the PC. The PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common-communication device at a given time.

The present invention, as set forth by independent claim 12, relates to a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a common communication device and a second computer system coupled to a common communication device. The first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time. The method includes receiving and storing messages by the first computer system to a first memory device, synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device, and deleting synchronized and archived messages whenever the first memory device is filled.

The present invention, as set forth by independent claim 16, relates to a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a common communication device and a second computer system coupled to a common communication device. The first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time. The method includes receiving and storing messages by a first computer system to a first memory device, synchronizing the messages with a second computer system, whereby the second computer system archives synchronized messages to a second memory device, and informing a user whenever the first memory device is filled.

Mousseau disclose pushing user-selected data items from a host system to a user's mobile communication device upon detecting the occurrence of one or more user-defined event triggers

is provided. The user may then move the data items to a particular folder within a folder hierarchy stored in the mobile data communication device, or may execute some other system operation on the data item. Software operating at the mobile computer and the host system then synchronizes the folder hierarchy of the mobile device with a folder hierarchy of the host system, and any actions executed on the data items at the mobile device are then automatically replicated on the same data items stored at the host system.

More specifically, Mousseau discloses a host system 10 that is connected to a local area network 14. The local area network 14 is in turn connected to a wide area network 18. Mousseau further discloses that the mobile communication device 24 is also coupled to the wide area network 18 via a wireless gateway 20. The mobile data communication device 24 includes software that works with the redirector program 12 to enable redirection of user selected data items. (See generally, Mousseau, Col. 9, line 46 – col. 10, line 39.)

Dobson relates to local area networks (LANs) which are designed to operate within a home environment. More specifically, Dobson discloses a LAN adapter device which includes an interpolative equalizer. The LAN adapter device allows LAN computing devices to connect to a LAN medium.

When discussing Dobson, the Examiner sets forth:

> Mousseau does not teach the PC and the PDA capable of controlling the common communication device, but one of the PC and PDA controlling the common communication device at a given time. Dobson teaches the PC 540 (fig. 5) and the PDA 550 (fig. 5) capable of controlling the common communication device 560 or 570 (fig. 5), but one of the PC and PDA controlling the common communication device at a given time (see. col. 9, lines 62 - 67 and col. 10, lines 1 - 16 noting that a printer and copier can only perform one operation from one machine at a time). Therefore, it would have been obvious to one of ordinary skill in the art of the time the invention was made to provide to teachings of Dobson to said device of Mousseau in order to provide convenience in data sharing between various types of mobile devices. (Office Action dated January 25, 2006, Page 3, lines 3 – 10 and Office Action Dated May 7, 2007, Page 3, lines 1 - 10.)

The portion of Dobson to which the Examiner cites sets forth:

> FIG. 5 depicts a number of representative devices connected to DMT LAN 20 over a typical wire medium found in a residence or small business. Many of the wiring runs originate at a central node 500, which also connects to wiring 80 from the access

infrastructure 10. It is understood that wiring 80 from the access infrastructure may connect at any other point to the shared medium. Other wiring runs may diverge into separate runs such as at nodes 502 and 504. Other runs may not be connected to any device and result in an unterminated wire pair such as nodes 506 and 508. Telephone 510 and fax machine 520 are standard POTS devices, whereas the remaining devices are connected to the DMT LAN 20 via a DMT LAN adapter device. Copier 570 has an internal DMT LAN adapter, while PDA 550, printer 560 and modem 530 use external DMT LAN adapters 515, 517, 519, respectively. PC 540 may have an internal (or external) DMT LAN adapter, a POTS modem, or both, connecting it to the local shared medium. (Dobson, Col. 9, lines 62 – 67 and Dobson, Col. 10, lines 1 – 12).

PC 540 may communicate with, e.g., printer 560 or copier 570 over the DMT LAN while simultaneously communicating with an external device over access infrastructure 10 using an internal POTS modem (not shown). Dobson, Col. 10, lines 13 – 16.

The central node 500 of Dobson is not a common communication device which is coupled between a PC and a PDA as claimed. Note that Dobson does disclose a PC (e.g., PC 540) and a PDA device (e.g., PDA 550) coupled to a central node 500 via a corresponding external adapter 515. The central node is also coupled to a modem 530 as well as printers 560 and 570. The modem 530 is coupled to the central node 500 via an external adapter 519. The printer 560 is coupled to the central node 500 via an external adapter 517.

Dobson does not disclose or suggest a common communication device which is coupled between a PC and a PDA as claimed, much less a common communication device where the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time. These deficiencies of Dobson are not fulfilled by Mousseau.

More specifically, Mousseau and Dobson do not teach or suggest a mobile computing system which includes a common communication device, a personal computing system (PC) coupled to the common communication device, a PDA coupled to the communication device, where *the storage device of the PC synchronizes messages received from the common communication device with the storage device of the PDA*, and *where the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time*, all as required by independent

-10-

claim 1. Accordingly, claim 1 is allowable over Mousseau and Dobson. Claims 2 – 7 depend from claim 1 and are allowable for at least this reason.

Mousseau and Dobson do not teach or suggest a mobile computing system which includes a common communication device, a personal computing system (PC) coupled to the common communication device, and a personal digital assistant system (PDA) coupled to the common communication device where *the PDA is capable of receiving messages through the common communication device and synchronizing the messages received through the common communications device with the PC* and *where the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time*, all as required by independent claim 8. Accordingly, claim 8 is allowable over Mousseau and Dobson. Claims 9 – 11 depend from claim 8 and are allowable for at least this reason.

Mousseau and Dobson do not teach or suggest a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a common communication device and a second computer system coupled to a common communication device, *the first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time*, much less such a method which includes receiving and storing messages by the first computer system to a first memory device, synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device, and *deleting synchronized and archived messages whenever the first memory device is filled*, all as required by independent claim 12. Accordingly, claim 12 is allowable over Mousseau and Dobson. Claims 13 – 15 depend from claim 12 and are allowable for at least this reason.

Mousseau and Dobson do not teach or suggest a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a *common* communication device and a second computer system coupled to the *common* communication device, *the first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the*

second computer system controlling the common communication device at a given time, much less such a method which includes receiving and storing messages by the first computer system to a first memory device, synchronizing the messages with a second computer system, whereby *the second computer system archives synchronized messages to a second memory device, and informing a user whenever the first memory device is filled*, all as required by independent claim 16. Accordingly, claim 16 is allowable over Mousseau and Dobson. Claims 17 – 27 depend from claim 16 and are allowable for at least this reason.

Additionally, applicants respectfully submit that the combination of Mousseau and Dobson is improper because Mousseau and Dobson are nonanalogous prior art that have been combined with the benefit of hindsight and because Mousseau and Dobson fail to provide a suggestion to be combined.

Mousseau and Dobson are nonanalogous prior art because Mousseau relates generally to wafer map analysis in semiconductor manufacturing processing and Dobson relates generally to application programs which present slide shows such as the PowerPoint application program available from Microsoft.

> The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself …. *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d, 1443, 1446 (Fed. Cir. 1992)

Additionally, even if Mousseau and Dobson are found to be within analogous arts, neither Mousseau or Dobson provide a suggestion for such a combination.

> The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. Wilson and Hendrix fail to suggest any motivation for, or desirability of, the changes espoused by the Examiner and endorsed by the Board.

> Here, the Examiner relied upon hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed

invention. *In re Fritch*, 23 USPQ 2d at 1783-84 (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988)).

Further, it appears that the rejection of claims 1 - 27 is based on an improper hindsight-based obviousness analysis. In this regard, it must be recognized that hindsight reconstruction of claims based on disparate aspects of the prior art may not be employed as a valid basis for the rejection of those claims. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983); *Panduit Corp. v. Dennison Manufacturing Co.*, 1 USPQ2d 1593, 1595-1596 (Fed. Cir. 1987). Furthermore, an obviousness determination requires that the invention *as a whole* would have been obvious to a person having ordinary skill in the art. *Connell v. Sears Roebuck & Co.*, 220 USPQ 193 (Fed. Cir. 1983).

To establish obviousness based on a combination of elements disclosed in the prior art or a modification of the prior art, there must be some motivation, suggestion or teaching of the desirability of making the claimed invention. *See In re Dance*, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984). The motivation, suggestion or teaching to modify references may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases, the nature of the problem to be solved. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Whether the Office Action relies on an express or implicit showing of a motivation or suggestion to modify or combine references, it must provide particular findings related thereto. *In re Dembiczak*, 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence." *Id.* Thus, the Office Action must include particular *factual findings* that support an assertion that a skilled artisan would have modified the express disclosure of Mousseau to develop the invention recited by independent claims 1, 8, 12 and 16. *See In re Kotzab*, 55 USPQ2d 1313, 1317. Applicant is unable to discern the requisite factual basis in Mousseau or the Office Action.

In this regard, the Office Action appears to have engaged in a hindsight-based obviousness analysis condemned by the Federal Circuit. To prevent a hindsight-based obviousness analysis, the Federal Circuit has clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would have led one or ordinary skill in the art to combine or modify references. *See Ruiz v. A.B. Chance Co.*, 57 USPQ2d 1161, 1167 (Fed. Cir.

-13-

2000); see also In Re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) ("[T]he Board must identify specifically ... the reasons one of ordinary skill in the art would have been motivated to select the references and combine them to render the claimed invention obvious."). Applicant can detect, and the Office Action has pointed to, no motivation or suggestion that would prompt someone of ordinary in the art to look to Mousseau in combination for a solution to the problem addressed by Applicant's invention. Such a determination that there is a suggestion or motivation to modify Mousseau is a factual finding that is prerequisite to an ultimate conclusion of obviousness. *Sibia Neurosciences, Inc. v. Cadus Pharma. Corp.*, 55 USPQ2d 1927, 1931 (Fed. Cir. 2000). Applicant respectfully submits that the Office Action is devoid of such a finding.

Without such a finding, a *prima facie* case of obviousness in rejecting claims 1 - 27 under 35 U.S.C. § 103(a) based on Mousseau has not been made. For this further reason, Applicant respectfully submits that claims 1 - 27 are patentably distinguished over Mousseau and Applicant respectfully requests the Examiner to remove the rejections of claims 1, 8, 12 and 16 and the claims depending therefrom.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

The Commissioner is authorized to deduct any additional fees which may be necessary and to credit any overpayment to Deposit Account No. 502264.

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I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on August 7, 2007.

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Respectfully submitted,

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